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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,220	07/12/2001	Jurgen Dannenmaier	GAMBRO-254	8402

530 7590 08/01/2002

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EXAMINER

MENON, KRISHNAN S

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 08/01/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/889,220	DANNENMAIER ET AL.	
	Examiner	Art Unit	
	Krishnan S Menon	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-16, 19-22 and 25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Oscarsson (US 4,341,005).

Oscarsson (005) discloses a filter comprising a hollow fiber bundle using half shells with fibers laid out in parallel arrangement in a tubular housing formed of half shells sealed together, the tubular housing of circular or rectangular cross section, covering the ends of the fiber (col 3: 22-25), potting the ends of the bundle, and then cutting the ends to have the tube core open at the ends for fluid passage through the tubes (Fig 1-3, col 3 line 60 – col 4 line 3). The two half shells can be clamped together before sealing. The fiber bundle is potted in the housing (col 3:27-31). For claims 13-16 and 19-21, Oscarsson (005) teaches that the half shells could be sealed with the potting after taking them out of the rotary winding wheel, or they could be sealed before taking out of the rotary winding wheel (col 2: 53-63, and col 4: 1-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 17,18,23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oscarsson (005) in view of EP (0 200 158 A2). Oscarsson (005) discloses the filter and the method of making the filters as claimed in claims 22 and 13 discussed above. However, Oscarsson (005) fails to disclose the two halves of the tubular housing as being flexibly connected (as in claims 17, 23) with a film hinge (as in claims 18 and 24). EP (158) teaches (fig 9 – 11, 14-16) a housing design with longitudinally split portions having “film” hinges. It would be obvious to one of ordinary skill in the art at the time of invention to have two halves of a housing hinged together like a box and its lid, or as taught by EP (158) with the hinge being a thin walled portion integral with the two halves to form a film hinge, as being equivalent to the “film hinge” joint claimed in the instant application providing equivalent function.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S Menon whose telephone number is 703-305-5999. The examiner can normally be reached on 8:00-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone numbers for the organization

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where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Krishnan S. Menon
Patent Examiner
July 29, 2002


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

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Inventor: **Dannenmaier**Application Number: **09/889220 PCT 371**Date: **7/12/2001 PD:**

Cl. #	Dep. on	Limitation	Oscarsson 7/82	Secondary ref
13	--	Method including	Fig 1-3	
		Filter housing having first and second portion	Do	
		First and second end	Do	
		Comprising laying of plurality of fibers in first portion to form bundle	Do	
		Closing 1 st and 2 nd portion to form housing	Do	
		Sealing 1 st and 2 nd portion	Do	
		Connecting fibers together at at least one of 1 st or 2 nd ends	3(3-13)	
		Connecting to housing	Do	
		All by applying potting together	3(54-63)	
		Cutting ends to form open fiber ends	3(32-37)	
14	13	Sealing end portions together to cover fiber ends	2(68)-3(13)	
15	13	Winding on rotary wheel continuously – first portions on wheel	Fig 1	
		Severing the fibers after winding on wheel	3(32-37)	
16	15	Severing after sealing 1 st and 2 nd portions	Do	
17	13	First and 2 nd portions flexibly connected to swing	--	EP 0 200 158 A2
18	17	Film hinge	--	Do
19	13	Half shells, and tubular	3(60-4(3))	
20	14	Terminal ends sealing the 1 st and 2 nd end portions – glue, weld, or screw	3(27-31)	
21	13	Clamping first and 2 nd	3(60-4(3))	
22	--	Filter comprising fiber bundle	Fig 3, col 3:60-col 4:3)	
		Half shell housing – tubular	Do	
		Laying fibers parallel	Do	
		Potting fiber ends to tubular shell	Do	
		Connecting the half shells together	Do	
23	22	Flexible connector for 1 st and 2 nd half shells	--	EP 0 200 158 A2
24	23	Film hinge	--	EP 0 200 158 A2
25	22	Clamping members for connecting 1 st and 2 nd half shells	As in 21	